

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JANA ROMANOVA,

Plaintiff,

- against -

VICE MEDIA LLC,

Defendant.

Docket No. 17-cv-1378

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Jana Romanova (“Romanova” or “Plaintiff”), by and through her undersigned counsel, as and for her Complaint against Defendant Vice Media LLC (“Vice” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of a sleeping couple owned and registered by Jana Romanova, a Russian photographer. Accordingly, Romanova seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

## **PARTIES**

5. Romanova is a professional photographer, having a usual place of business at Nastavnik pr., 15-5-210, Saint Petersburg, Russia 195298. Romanova's photographs have appeared in many publications around the United States.

6. Upon information and belief, Vice is a limited liability company duly organized and existing under the laws of the State of Delaware, with a place of business at 49 S. 2<sup>nd</sup> Street, Brooklyn NY 11211. At all times material hereto, Vice has owned and operated a website at the URL: [www.motherboard.vice.com.com](http://www.motherboard.vice.com.com) (the "Website").

## **STATEMENT OF FACTS**

### **A. Background and Plaintiff's Ownership of the Photograph**

7. On September 29, 2011, Romanova photographed a sleeping couple in bed (the "Photograph"). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Romanova is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with the U.S. Copyright Office and was given pending Copyright Registration Number 1-4568251552. See Exhibit B.

### **B. Defendant's Infringing Activities**

10. Upon information and belief, on or about February 14, 2017, Vice ran an article on the Website entitled "Love is Strange." See <https://motherboard.vice.com/fr/article/lamour-est-etrange>. The article prominently featured the Photograph. A true and correct copy of the article is attached hereto as Exhibit C.

11. Vice did not license the Photograph from Plaintiff for its article, nor did Vice have Plaintiff's permission or consent to publish the Photograph on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST VICE)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Vice infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Vice is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Vice have been willful, intentional, and purposeful, in disregard of and with indifference to Plaintiff's rights.

16. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover his/her damages and Defendant's profits pursuant to 17 U.S.C. § 504(b).

17. Defendant's conduct described above is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Vice be adjudged to have infringed upon Plaintiff's copyright in the Photograph in violation of 17 U.S.C §§ 106 and 501;

2. That Plaintiff be awarded her actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded her costs, expenses and attorney's fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: May 13, 2017  
Valley Stream, New York

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